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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN THE MATTER OF THE SEARCH OF:
APARTMENT C6 INSIDE OF 95
FOUNTAIN AVENUE, BROOKLYN, NEW
YORK

APPLICATION FOR A SEARCH
WARRANT FOR A PREMISES

No. **18M340**

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION UNDER RULE 41 FOR A
WARRANT TO SEARCH AND SEIZE**

I, NICHOLAS A. SHAFER, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises known as APARTMENT C6 INSIDE OF 95 FOUNTAIN AVENUE, BROOKLYN, NEW YORK, hereinafter "PREMISES," further described in Attachment A, for the things described in Attachment B.

2. I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have been a Special Agent for more than a year and am currently assigned to the New York Metro Safe Streets Task Force, where I investigate gangs, narcotics trafficking, firearms trafficking, fraud and other offenses. These investigations are conducted both overtly and covertly. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. The FBI and the New York City Police Department are investigating criminal activity occurring in and around the Louis H. Pink Houses, a New York City Housing Authority complex in East New York, Brooklyn (the “Pink Houses”). The investigation has involved, among other investigative techniques, the use of court-authorized wiretaps on several cell phones. I am aware that Matthew Berthely, also known as “Mazi” (“BERTHELY”) was intercepted communicating with Kevin St. Hill, (whose cell phone was the subject of court-authorized surveillance) on multiple occasions about drug-related activity.¹ The investigation further revealed that BERTHELY is able to process – or “cook” – powder cocaine into crack cocaine, and that he has done so inside the PREMISES.

5. On April 11, 2018, a sealed indictment was filed charging BERTHELY, among others, with Conspiracy to Distribute and Possess with Intent to Distribute Cocaine Base and Heroin. See United States v. Lavon Barrett, et al., 18 CR 185 (FB). An arrest warrant for BERTHELY was issued that same day. On April 17, 2018, law enforcement

¹ While BERTHELY was identified as “Matt” repeatedly on intercepted communications and as “Matthew Vierra” in his criminal history report, I am aware that records maintained by the Department of Motor Vehicles for BERTHELY (which include his photograph), indicate that his name is “Mario M. Berthely.”

officers entered the PREMISES, where information learned during the investigation revealed that BERTHELY resides, to effectuate the arrest warrant for BERTHELY. I am informed by a member of law enforcement who was present inside the PREMISES to effectuate BERTHELY's arrest that he observed the following items of contraband in plain view: a quantity of suspected marijuana, a scale with a white residue (believed to be cocaine) on a table in the kitchen, and a plastic bag containing a white rock-like substance (believed to be crack cocaine) in an open cabinet above the stove. In addition, the agent observed a quantity of United States currency on the kitchen table and several boxes of baking soda, which I know to be used to "cook" powder cocaine into crack cocaine, in the open cabinet along with the suspected crack cocaine. After making these observations and placing BERTHELY under arrest, members of law enforcement secured the location and are currently preventing anyone from entering the PREMISES (other than law enforcement) so that a search warrant for the PREMISES could be sought.

6. Accordingly, there is probable cause to believe that evidence, fruits, or contraband can be found in the PREMISES relating to violations of Title 21, United States Code, Sections 846 and 841(a)(1).

CONCLUSION

7. I submit that this affidavit supports probable cause for a warrant to search the PREMISES described in Attachment A and seize the items described in Attachment B.

Respectfully submitted,

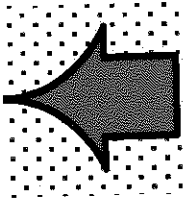
SA Nicholas A. Shafer

Nicholas A. Shafer
Special Agent
Federal Bureau of Investigation

Dated: Brooklyn, New York
April 17, 2018

S. J. Pollak

HONORABLE CHERYL L. POLLAK
UNITED STATES MAGISTRATE JUDGE



ATTACHMENT A

Property to be searched

The property to be searched is APARTMENT C6 INSIDE OF 95 FOUNTAIN AVENUE, BROOKLYN, NEW YORK, further described as an apartment on the third floor of 95 Fountain Avenue that is currently secured by members of law enforcement, the door to which is marked "C6."

ATTACHMENT B

Property to be seized

All evidence, fruits and instrumentalities relating to violations of Title 21, United States Code, Sections 841(a) and 846 committed by Matthew Berthely and his co-conspirators in and around April 2018, including, but not limited to:

- a. Illicit substances, including items containing suspected drug residue;
- b. Narcotics paraphernalia, including scales, blades, materials suitable for packaging narcotics and cutting agents;
- c. Records identifying customers or detailing narcotics transactions and the movement of money;
- d. United States currency;
- e. Cellular telephone(s); and
- f. Records, photograph, keys and other personal effects that identify the person(s) who resides in or otherwise has access to or control of the property described in Attachment A.